

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

| | | |
|---------------------------|---|----------|
| UNITED STATES OF AMERICA, |) | |
| |) | 8:06CR54 |
| Plaintiff, |) | |
| |) | |
| vs. |) | ORDER |
| |) | |
| JAMES R. BRADY, |) | |
| |) | |
| Defendant. |) | |

This matter is before the court on the motion to continue by defendant James R. Brady (Brady) (Filing No. 17). Brady seeks a continuance of the pretrial motion deadline and the trial of this matter. Brady's counsel represents that counsel for the government has no objection to the motion. Brady's counsel represents that Brady will submit an affidavit in accordance with paragraph 9 of the progression order whereby Brady consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Brady's motion to continue (Filing No. 17) is granted.
2. Brady is given until **on or before August 28, 2006**, in which to file pretrial motions pursuant to the progression order.
3. Trial of this matter is re-scheduled for **October 16, 2006**, before Judge Laurie Smith Camp and a jury.
4. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., the time between **July 28, 2006 and October 16, 2006**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 28th day of July, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge